

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR

BIRD DAMAGE MANAGEMENT
IN THE
UTAH WILDLIFE SERVICES PROGRAM**

I. INTRODUCTION and PROPOSED ACTION:

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program receives requests to conduct wildlife damage management to protect agricultural and natural resources, property, and public health and safety in Utah. During the development of this environmental assessment (EA), WS worked cooperatively with the Bureau of Land Management (BLM), U.S. Forest Service, U.S. Fish and Wildlife Service (USFWS), Utah Division of Wildlife Resources (UDWR) and Utah Department of Agriculture and Food (UDAF). This Decision and Finding of No Significant Impact (FONSI) are based on the analysis in the "*Bird Damage Management in the Utah Wildlife Services Program*" EA.

The purpose of the proposed action is to alleviate damage and public health and safety risks caused by bird species in Utah. The needs for the program, as identified in the EA, are that agricultural and natural resources, property and public health or safety may be damaged or put at risk by bird activities, and the residents of Utah desire assistance from WS to these minimize these damages and risks. In addition, the UDWR and USFWS, at times, depend on WS to help with wildlife research studies and achieve management objectives.

WS is the Federal agency directed and authorized by law and authorized by Congress to reduce the damage caused by wildlife damaging agricultural and natural resources, property and for resolving public health or safety concerns. WS cooperates with the BLM, Forest Service, USFWS, UDWR, UDAF and Utah Department of Health (UDOH) to minimize damage caused by wildlife. The UDWR has the responsibility to manage all protected and classified wildlife in Utah, except migratory birds and Federally listed threatened and endangered (T/E) species. The UDOH has the responsibility to safeguard public health and safety in Utah. WS' authority is derived from the Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426- 426c), the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988 (Public Law 100-202, Dec. 22, 1987, Stat. 1329-1331 (7 U.S.C. 426c)), the Fiscal Year 2001 Agricultural Appropriations Bill, and in Utah by the Utah Agricultural and Wildlife Damage Prevention Act.

The area encompassed in the analysis for this EA is the State of Utah (more than 82,000 mi²). In FY 01, WS had 19 *Agreements for Control* to conduct bird damage management on 108,807 acres (0.2% of the land area of Utah). However, WS generally only conducts bird damage management on a small portion of the properties under *Agreement* in any year. In FY 01, bird damage management projects were only conducted on 12 properties covering an area of about 29,516 acres or about 27% of the area under agreement and about 0.056% of the land area of Utah (MIS 2001). Additionally, raven damage management for natural resource protection may occur in selected areas as requested by the UDWR or other responsible management entities. Although the area worked by WS is relatively small in relation to

the State, the projects are considered important to the requesters and WS. The EA also addresses the impacts of damage management on areas where additional agreements with WS may be written in the reasonably foreseeable future; the location where WS conducts activities may change depending on where damages occur, but the total area of activities is expected to remain relatively stable.

Memoranda of Understanding (MOUs) signed between WS and the UDWR and UDAF clearly outline the responsibility, technical expertise and coordination between agencies. A Multi-agency Team with representatives and advisors from each of the cooperating agencies assisted in the assessment of bird damage management in Utah. The Forest Service and BLM cooperated with WS to determine whether the proposed action on Forest Service or BLM lands is in compliance with relevant laws, regulations, policies, orders and procedures. All bird damage management will be conducted consistent with: 1) the Endangered Species Act of 1973, including the Section 7 Consultation with the USFWS and 2) Executive Order 13186¹ and MOU between USFWS and WS, and 3) State and local laws, regulations and policies.

This EA analyzes the potential environmental and social effects for preventing or resolving damage to agricultural and natural resources, property and reducing threats to public health and safety from birds in Utah, and an objective comparison of four alternatives addressing bird damage management. Comments from the initial public involvement and the pre-decisional EA were reviewed for substantive issues and alternatives in developing this Decision. The analysis and supporting documentation are available for review at the USDA-APHIS-WS Office, P.O. Box 26976, Salt Lake City, Utah 84126-0976.

II. Consistency

Bird damage management could be conducted on National Forest System and BLM lands consistent with the MOUs between the APHIS-WS, the Forest Service and BLM, the EA, and Forest Service and BLM policies. Any WS activities pursuant to this Decision will be consistent with the direction provided in the appropriate land use plans for the Forest Service or BLM. The Forest Service or BLM may, at times, restrict bird damage management that threatens other resource values; modifications may also be made in areas where bird damage management is permitted.

III. Monitoring

WS' no action/proposed action is to reduce or minimize bird damage to agricultural and natural resources, property, and to safeguard public health and safety in Utah. The Utah WS program, in cooperation with the UDWR and USFWS, will monitor and report the WS take of all bird species. Utah WS will use MIS data to track the removal of birds. UDWR and USFWS expertise will be used to determine the impact of total take on bird populations.

IV. Public Involvement

Formal notices soliciting initial public input were published in two (2) statewide and regional newspapers and 357 letters were sent to individuals and organization and eight tribes in the analysis area to inform the public that WS was conducting a NEPA analysis for bird damage management in Utah. The initial public involvement process provided 12 comment letters with issues or concerns for WS to consider during the EA preparation.

Fifteen pre-decisional EAs were mailed to organizations, individuals, public agencies and American Indian Tribes for review and comment and notices of availability were published in 5 newspapers. One response was received from two individuals from review of the pre-decisional EA as a continued effort by

WS to solicit public involvement. The response was reviewed for substantive issues and alternatives.

Site specificity is an important point of discussion that warrants clarification and this discussion can be found below.

WS' mission is to reduce wildlife damage, not wildlife populations. WS personnel use the WS Decision Model (Slate et al. 1992) for each damage management situation. It is also the site specific tool used by WS "*on the ground*" to develop the most appropriate strategy to reduce damages and detrimental environmental effects from damage management actions. The WS Decision Model is an analytical thought process used by WS personnel for evaluating and responding to wildlife damage management requests. When a request for assistance is received and after consultation with the requester, WS personnel evaluate the appropriateness of strategies, and methods are evaluated in the context of their availability (legal and administrative) and suitability based on biological, economic and social considerations. Following this evaluation, the methods deemed to be practical are formed into a damage management strategy for the situation. For example, on most properties, wildlife damage may occur whenever food, water and habitat for the damaging species are present. WS personnel and the property owner/manager monitor and reevaluate the situation to devise the most effective solution. If one method or combination of methods fail to stop damage, a different strategy or a modified strategy may be implemented. If the strategy is effective, the need for damage management is ended but monitoring continues. In terms of the WS Decision Model, most damage management efforts consist of a continuous feedback loop between receiving the request, implementing a strategy and monitoring the results.

In addition, the purpose for preparing this EA is to determine if the proposed action could have a significant impact on the quality of the human environment, analyze the alternatives, inform the public of WS actions, and to comply with NEPA. WS analyzed the proposed action and alternatives against the issues that were raised. These issues were analyzed at levels that are "*site specifically*" appropriate for this action in Utah. Determining impacts requires that WS look at the *context* of the issue and *intensity* of the action and impacts. The extent of bird populations are never a few acres or single property, but rather over a much larger area and WS actions generally are conducted on a much smaller portion of the habitat inhabited by the target species. While WS recognizes that the animal rights community is concerned about each individual animal, as professional wildlife biologists, WS has to analyze impacts to a population. With that, WS, as well as, other professional wildlife agencies are aware that the damage situation with each bird damage management project may change at any time in any location; wildlife populations are dynamic and mobile.

In this EA and Decision, WS recognizes that birds have no *intent* to do harm. They inhabit (i.e., reproduce, walk, forage, deposit waste, etc.) habitats where they can find a *niche*. If they do "*wrongs*," people characterize this as damage. *Wrongs*, unfortunately, are determined not merely in spacial terms but also with respect to time and other circumstances that define the *wrongness*. (For example: a bird population living in the wilds of Utah may not be a problem while one living at the Salt Lake City airport could cause human health and safety concerns, injuries, and destruction of property.) When WS is requested to determine exactly where damage will occur, WS is being held to a standard that no other damage management agency, wildlife management agency or other entity is required to meet or could do. In fact, despite similar language to NEPA in the California CEQA requirements, the California Game and Fish Department was only required to address the impacts to the analysis area "*population*" of concern (WS uses this standard for WS actions to comply with NEPA analysis). WS has prepared an EA that provides as much information as possible to address and predict the locations of potential bird damage management actions and the estimated population trend that could be involved in causing damage or threats to human interests and needs.

Like other damage management organizations (fire departments, emergency clean-up organizations, etc.), WS can sometimes predict the location and types of needs, damage and risks from historical records or past damage problems, and take action to prevent or reduce the damage. WS can not, however, always predict the exact locations or need to reduce wildlife damage at all locations. This type of prediction would be highly speculative in nature. This phenomenon would be like a fire department determining where the next fire occurs. To reduce damages, along with corrective and preventive direct damage management, WS provides technical assistance and demonstrations to help prevent the need for direct damage management. WS can and does provide an analysis of impacts of their actions and impacts to reduce wildlife damage within the scope of the EA. The site specificity problem occurs when trying to determine the exact location and animal that is, or would be responsible for damages before the damage situation occurs. WS determined that its analysis was adequate because further site specific information would not change the results of the analysis, and to the public's understanding of the proposal, or provide additional useful or relevant information to the Decision maker (Eccleston 1995).

The full documentation of the public involvement effort are available for review at the WS State Directors Office in Salt Lake City, Utah.

V. Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Cumulative Effects of WS Bird Damage Management on Target Bird Species Populations
- Effects of WS Bird Damage Management on Non-target Species Populations, Including T/E Species
- Risks Posed by WS Bird Damage Management Methods to the Public and Domestic Pets
- Efficacy and Selectivity of Bird Damage Management Methods

VI. Alternatives Analyzed in Detail (Fully Evaluated)

The following Alternatives were developed to respond to issues. Four (4) additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

1) Continue the Current Federal Bird Damage Management Program (No Action/Proposed Action).

The No Action alternative is a procedural NEPA requirement (40 CFR 1502), is a viable and reasonable alternative that could be selected, and serves as a baseline for comparison with the other alternatives. The No Action alternative, as defined here, is consistent with the Council on Environmental Quality's (1981) definition.

The No Action/Proposed Action would continue the current Utah WS bird damage management program for the protection of agricultural and natural resources, property, and public health and safety. A major goal of the program is to minimize bird-related damage/losses. To meet this goal, WS would respond to all requests for assistance with, at a minimum, technical assistance, or, where appropriate and when cooperative funding is available, operational damage management whereby WS personnel would conduct damage management. An IWDM approach would be implemented allowing for the use of all legally available methods, either singly or in combination, to meet the requester needs for reducing bird damage

(Appendix A). Agricultural producers, property owners and others requesting assistance would be provided information regarding the use of effective non-lethal and lethal techniques, as appropriate. Non-lethal methods include, but are not limited to, lure crops, environmental/habitat/behavior modification, decoy traps and other live traps, exclusionary devices, nest destruction, repellents, and alpha chloralose. Lethal methods considered by WS include: shooting, egg addling/destruction, snap traps, DRC-1339, and American Veterinary Medical Association approved euthanasia techniques, such as CO or CO₂. Bird damage management would be allowed in the State, when requested, on private or public property where a need has been documented and an *Agreement for Control* or other comparable document has been completed. All management actions would comply with appropriate laws, orders, policies, and regulations.

2) Non-lethal Damage Management Required Before Lethal.

This alternative would not allow for the use of lethal methods by WS until non-lethal methods have been employed in a given damage situation and found to be ineffective or inadequate. Non-lethal methods selected by requesters could include cultural methods, animal behavior modification, animal husbandry and localized habitat modification methods. Verification of the methods used would be the responsibility of WS. No standard exists to determine producer diligence in applying these methods, nor are there any standards to determine how many non-lethal applications are necessary before the initiation of lethal damage management. Thus, only the presence or absence of non-lethal methods can be evaluated. The mechanical and chemical methods described in Alternative 1 would apply, where appropriate, once the criteria for non-lethal control have been met. No preventive lethal damage management would be allowed. Producers, however, would still have the option of implementing their own lethal damage management measures.

3) Technical Assistance Only.

This alternative would only provide technical assistance and make recommendations when requested and eliminate WS operational bird damage management in Utah. Producers, property owners, agency personnel, or others could conduct bird damage management using traps, shooting, Avitrol, or any non-lethal method that is legal. Avitrol could only be used by State certified pesticide applicators in Utah. Currently, DRC- 1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal.

This "*technical assistance only*" alternative would place the immediate burden of operational damage management on State agencies, individuals and requesters. Individuals experiencing bird damage would, independently or with WS recommendations, carry out and fund damage management activities. Individual producers could implement bird damage management as part of the cost of doing business, or a State or other federal agency could assume a more active role in providing operational damage management assistance.

If Alternative 3 was selected, operational bird damage management would be left to State or other federal agencies and individuals. Some agencies or individuals may choose not to take action to resolve wildlife damage. Other situations may warrant the use of legally available management methods because of public demands, mandates, or individual preference. Methods and devices could be applied by people with little or no training and experience, and with no professional oversight or monitoring for effectiveness. This in turn could require more effort and cost to achieve the same level of problem resolution, and could cause harm to the environment, including a higher take of nontarget animals; illegal use of pesticides could be greater than present.

4) No WS Bird Damage Management.

This alternative would eliminate federal WS involvement in bird damage management in Utah. WS would not provide operational or technical assistance and requesters of WS services would have to conduct their own bird damage management without WS input. However, other federal, State and county agencies, and private individuals could conduct some bird damage management. In some cases, methods applied by non-agency personnel could be used contrary to their intended or legal use, or in excess of what is recommended or necessary; illegal use of pesticides could increase. Information on bird damage management methods development would still be available to producers and property owners. DRC-1339 and alpha-chloralose are only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Avitrol could be used by any State certified restricted-use pesticide applicator.

VII. The Alternatives Considered but not Analyzed in Detail are the Following:

1) Compensation for Bird Damage Losses - The Compensation Alternative would require the establishment of a system to reimburse persons impacted by bird damage. This alternative was eliminated from further analysis because no federal or State laws/policies or regulations exist to authorize such payments. Under this alternative, WS would not provide any operational bird damage management. Aside from the lack of legal authority, analysis of this alternative in USDA (1997) indicates it has many drawbacks. Some of these are:

- It would require larger expenditures of money and labor to investigate and validate all losses, and administer appropriate compensation.
- Compensation would most likely be below full market value.
- It would be difficult to make timely responses to all requests.
- Many losses could not be verified, for example, it would be impossible to prove conclusively in some situations that birds were responsible for disease outbreaks.
- Compensation would provide less incentive to limit losses through improved husbandry or cultural practices, or other management strategies.
- Not all entities would rely completely on compensation and lethal damage management would most likely continue as permitted by law.
- Compensation would not be practical for reducing threats to public health and safety.

2) Bounties - Bounties are payments for killing birds to suppress populations where losses occur. Bounties are not supported for wildlife damage management by agricultural and wildlife agencies such as WS, UDWR, UDAF and the USFWS. In addition, WS does not have the authority to establish a bounty program and does not support this concept because:

- Bounties are generally not effective in reducing damage and it would be difficult to measure overall efficacy.
- Circumstances surrounding the bounty of birds are completely unregulated.
- There is a tendency for fraudulent claims to occur.
- It is difficult or impossible to prevent claims for birds taken from outside damage management areas.

3) Short Term Eradication and Long Term Population Suppression - In Utah, eradication of native bird species is not a desired population management goal of WS or State agencies. Although generally difficult to achieve, eradication of a local population of pigeons or starlings may be the goal of individual

bird damage management projects. This could, in part, be because pigeons and starlings are not native to North America and are only present because of human introduction. However, eradication as a general strategy for reducing bird damage would not be considered because:

- WS opposes eradication of any native wildlife species.
- UDWR and UDAF oppose eradication of native Utah wildlife species.
- Eradication is not acceptable to most members of the public.
- Regional or Statewide attempts at eradication of any native bird species would be next to impossible under the restrictions on methods and areas where bird damage management could be in Utah.

Suppression would direct efforts toward managed reduction of targeted populations or groups of birds. In areas where damage could be attributed to localized populations, WS could decide to implement local population suppression, if supported by the WS Decision Model (Slate et al. 1992) and after consulting with the UDWR and USFWS. However, with the constraints on bird damage management methods, widespread population suppression would be difficult to maintain.

Problems with the concept of suppression are similar to those described above for eradication. It is not realistic or practical to consider large-scale population suppression as the basis of the WS program in Utah. Typically, WS activities in the State would be conducted on a very small portion of the sites or areas inhabited or frequented by the targeted species as discussed in Section 1.3.1.

4) Bird Damage Management Should be Conducted Using only Non-lethal Methods - Under this alternative, only non-lethal management approaches would be used or recommended by WS. Both technical assistance and operational damage management services would be provided, however, only non-lethal methods could be considered. WS technical assistance and operational activities would be funded through WS appropriations. Requests for lethal wildlife damage management services would be referred to the UDWR or USFWS from whom Depredation Permits could be requested to allow property owners or resource managers to implement lethal methods or contract others to do so.

The concept of employing a non-lethal repellent to reduce wildlife depredation arose early in agricultural history and has been pursued vigorously ever since (Rogers 1978). However, a consideration and the measure of success of a non-lethal bird damage management program depends on where target birds relocate because a new site can also be a problem. In addition, most animals adjust and ignore a new sound, a process called habituation (Bomford and O'Brien 1990). Numerous non-lethal techniques have been used to reduce damage caused by many bird species with most having limited success, were labor intensive, impractical, expensive or were not effective in reducing damage (Parkhurst et al. 1987, Dolbeer et al. 1988, Tobin et al. 1988, Bomford 1990, Bomford and O'Brien 1990, Mott and Boyd 1995, Stickley et al. 1995, Andelt and Hopper 1996, Belant et al. 1996, Belant et al. 1998). Some methods, however, had limited success, such as distress calls to repel night herons (*Nycticorax nycticorax*) and starlings and changing management practices when the changes allow the enterprise to remain viable (Spanier 1980, Twedt and Glahn 1982, Bomford and O'Brien 1990). Important points when using frightening strategies include the timing of their application and the choice of devices employed. An aggressive and integrated frightening program is essential (Bomford and O'Brien 1990). Playing animal vocalizations to disperse birds during the night, though, can be annoying to people trying to sleep, and could cause other disturbance to domestic animals and wildlife. And people using sounds based on animal vocalizations must have a certain degree of expertise and motivation to be successful (Bomford and O'Brien 1990).

Many aversive agents have been tested to condition birds to avoid foods, roosts and nest sites. Despite

extensive research, the efficacy of these technique remains unproven or inconsistent (Bomford and O'Brien 1990). In addition, most reported bird repellents are not currently registered by the EPA or UDAF for this use and, therefore, cannot legally be used or recommended for this purpose.

Portions of this alternative have been addressed in the other alternatives contained in this EA and through court rulings (U.S. District Court of Utah 1993). Limiting bird damage management to only non-lethal would not allow for a full range of IWDM techniques to resolve damage management problems. WS is authorized and directed by Congress to protect American agricultural and natural resources, and property. The alternatives selected for detailed analysis in this EA include non-lethal bird damage management methods and it is believed that analysis of only non-lethal methods would not allow WS the ability to address every damage situation in the most effective manner and expediency is required for public health and safety risks. The most effective approach to resolving wildlife damage could be to integrate the use of several methods simultaneously or sequentially. IWDM is the implementation and application of safe and practical methods for the prevention and reduction of damage based on local problem analyses and the informed judgement of trained personnel. IWDM draws from the largest possible array of options to create a combination of techniques appropriate for the specific circumstances. IWDM may incorporate cultural practices (e.g., animal husbandry), habitat modification (e.g., tree pruning), animal behavior (e.g., scaring techniques), local population reduction, or any combination of these, depending on the characteristics of the specific damage problems.

VIII. Decision and Rationale

I have carefully reviewed the EA and the public input resulting from public involvement and the Pre-decisional EA review process. I believe the issues identified in the EA are best addressed by selecting Alternative 1 (*Continue the Current Federal Bird Damage Management Program* (No Action/Proposed Action) and applying the associated mitigation, standard operating procedures (SOPs) and monitoring measures discussed in Chapter 3 of the EA and this Decision. Alternative 1 provides the best range of damage management methods considered practical and effective, addresses the issues, and accomplishes WS' Congressionally directed activities. WS policies and social considerations, including humane issues, will be considered while conducting bird damage management. While Alternative 1 does not require non-lethal methods to be used, WS will continue to provide information and encourage the use of practical and effective non-lethal methods by home/resource owners.

In addition, the issue of Depredation Permits (DPs) for WS activities has evolved over the past 5 years. Litigation against WS in Virginia resulted in a 1999 stipulation that WS would request a permit from the USFWS before some bird damage management actions would occur. Currently, WS is required to obtain MBTA and BGEPA permits for activities which may "take" species protected under the respective acts. WS believes the analysis contained in this EA will address the consequences of both the selected action and the issuance of the permit to WS. However, the determination regarding issuance of permits is the sole responsibility of the USFWS, and their NEPA implementing regulations will apply to their actions. DPs are necessary under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712, as amended) because if this litigation for activities which "take" protected species. DPs are not necessary for non-lethal harassment of species protected only under MBTA, but are required for species protected under the and Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. §§ 668-668d, as amended). Additionally, any "take" of a bald eagle (which is protected under MBTA, BGEPA and the ESA (16 U.S.C.A. §§ 1531 to 1544)) would require multiple permits under all three acts. Utah WS will only conduct bird damage management activities after appropriate MBTA (50 CFR 21.41), BGEPA and /or ESA permits have been issued by the USFWS or in conformance with the USFWS *standing depredation order* (50 CFR 21.43).

The analyses in the EA demonstrate that Alternative 1 provides WS the best opportunity to address the issues, had low impacts on target and non-target species, and reduced the adverse effects of bird predation on designated wildlife and T/E species. Alternative 1 best: 1) addresses the issues identified in the EA and provides the safeguards for public safety, and 2) allows WS to meet its obligations to the UDWR, UDAF and cooperating counties and residents of Utah. Alternative 1 provides a mix of technical assistance, nonlethal and limited lethal methods (Appendix A). As a part of this Decision, the Utah WS program will continue to provide biological and non-lethal management techniques information that could reduce damage when new agreements are signed. I have also adopted the Pre-decisional EA as final because changes from public comments did not change the analysis.

Finding of No Significant Impact

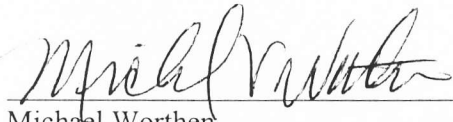
The EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment because of this proposed action, and that these actions do not constitute a major Federal action. I agree with this conclusion and therefore determine that an EIS will not be prepared. This determination is based on the following factors:

1. Bird damage management, as conducted in Utah, is not regional or national in scope.
2. Based on the analysis documented in the EA, the impacts of the bird damage management program will not affect the human environment.
3. The proposed action will not have an impact on unique characteristics of the areas such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas.
4. The proposed action will not significantly affect public health and safety. No accidents associated with WS bird damage management are known to have occurred in Utah.
5. The effects on the quality of the human environment are not highly controversial. Although there is opposition to WS damage management, this action is not controversial in relation to size, nature or effects.
6. Mitigation measures adopted as part of the proposed action minimize risks to the public and prevent adverse effects on the human environment and reduce uncertainty and risks.
7. The proposed action does not establish a precedent for future actions with significant effects. This action would not set a precedence for additional WS damage management that may be implemented or planned in Utah.
8. The number of animals taken (both target and non-target) by WS annually is small in comparison to the total population. Adverse effects on wildlife or wildlife habitats would be minimal.
9. No significant cumulative effects were identified by this assessment or other actions implemented or planned within the area.
10. Bird damage management would not affect cultural or historic resources. The proposed action does not affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places or will cause a loss or destruction of significant scientific, cultural, or

historical resources, including interference with American Indian traditional uses or Sacred sites.

11. An evaluation of the proposed action and its effects on T/E species determined that no significant adverse effects would be created for these species. The proposed action will fully comply with the Endangered Species Act of 1973, as amended. In the EA, the concern for viability of T/E species addresses not only the legal mandate to preclude jeopardy, but also recognizes the opportunity to protect T/E species from damage or predation. Both concerns were analyzed in the EA. Consultation with the USFWS has taken place and their input was used as part of the mitigation development process.

12. This action would be in compliance with Federal, State and local laws or requirements for damage management and environmental protection.



Michael Worthen
Regional Director, USDA-APHIS-WS

6-3-03

Date

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